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Chairman: Mr. ALSAIDI (Yemen)
(Vice-Chairman)

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AGENDA ITEM 74: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

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In the absence of Mr. Khouini (Tunisia), Mr. Alsaidi (Yemen), Vice-Chairman, took the Chair.

The meeting was called to order at 10.30 a.m.

AGENDA ITEM 74: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES (A/47/76, A/47/262, A/47/545, A/47/546, A/47/547, A/47/548, A/47/549, A/47/550 and A/47/551)

1. The CHAIRMAN drew the Committee's attention to additional letters pertaining to the item under discussion, contained in documents A/47/88, A/47/123, A/47/174, A/47/230, A/47/238, A/47/507, A/47/526, A/47/129, A/47/139, A/47/330, A/47/348, A/47/255 and A/47/592.

2. Mr. KALPAGE (Sri Lanka), Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introducing the twenty-fourth report of the Special Committee (A/47/509), noted that it should be considered together with the two previous periodic reports (A/47/76 and A/47/262).

3. Once again, regrettably, Israel had failed to cooperate with the Special Committee by allowing it entry into the occupied territories, and it had therefore once more been unable to examine the situation in situ and to hear the position of the Israeli authorities. It had therefore used the best evidence available under the circumstances, including written information from various sources, the views of the Governments concerned and oral information received from persons having first-hand knowledge of the situation in the occupied territories.

4. The repression of the uprising that had begun four and a half years earlier had led to a continuation of the extremely tense situation in the occupied territories and had maintained a dramatic level of violence. The climate of uncertainty and frustration had been compounded by the disproportionate, and often unnecessary, use of force by the army and the police. The Special Committee had been particularly preoccupied by reports of increasingly systematic use of undercover units to infiltrate the population and carry out "death squad" killings, and by the continued increase in casualties among children as well as the broad application of new instructions to soldiers and civilians in the occupied territories concerning rules for opening fire against unarmed civilians without warning.

5. The erosion of human rights standards in the occupied territories had continued. The administration of justice had increasingly been transferred to military courts, latterly even for traffic offences. Administrative detention continued to be imposed in an arbitrary manner, often for excessive periods. Basic legal guarantees such as the right to a fair trial continued to be denied to Palestinians, and the pronounced discrepancy between the harshness

(Mr. Kalpage, Sri Lanka)

of their sentences and those pronounced against Israelis had been maintained. An additional grave deficiency in the administration of justice was the practice of dual punishment, whereby convicted persons had, in addition to receiving harsh sentences, had their houses demolished, thus affecting innocent members of their families.

6. The Special Committee had noted a further deterioration in the status and treatment of prisoners, particularly during interrogation. Systematic torture and physical and psychological ill-treatment were said to have resulted in severe injuries, permanent incapacitation and even death. Prison conditions continued to be critical. The civilian population had continued to be subjected to acts of harassment, including forcible entry into houses and attacks on occupants and property. Exorbitant fees were charged for indispensable administrative documents. Measures of collective punishment were still being taken against inhabitants of the occupied territories, such as the demolition of houses, particularly those belonging to detainees. The continued imposition of curfews had contributed to a further deterioration of living standards and a rise in unemployment.

7. Deportations on so-called security grounds had continued and measures of "disguised deportation" had been taken against certain students wishing to study abroad. However, it appeared that the Government of Israel was reconsidering the usefulness of deportations.

8. Restrictions on freedom of movement had compounded the difficulties caused by the prolonged closure of educational institutions. There were severe shortages of classrooms and teaching materials, and restrictions had been placed on the importation of books. Students who had obtained diplomas, through off-campus teaching, from universities subjected to official closure were unable to obtain employment in Israel and the occupied territories.

9. Settlement activity and the transfer of Israeli citizens, particularly recent immigrants from Eastern Europe and the former Soviet Union, had intensified, apparently with intent to modify the demographic composition of the occupied territories by inducing Palestinians and other Arabs to leave. In spite of a number of encouraging statements on settlement policy by the Government of Prime Minister Yitzhak Rabin following its election, the Special Committee remained preoccupied with the overwhelming preponderance of "security" over "political" settlements, especially in the Golan Heights and the Jordan valley.

10. Settlers had resorted to acts of violence and aggression, which the Israeli armed forces had seemingly been unable to control, against the Arab population of the occupied territories.

11. The Special Committee had concluded that the situation of basic human rights and fundamental freedoms in the occupied territories had remained extremely serious during the reporting period and still posed a threat to international peace and security. Occupation itself constituted a violation

(Mr. Kalpage, Sri Lanka)

of human rights and led to further violations. Israel's declared policy of reconciliation and the beginning of peace negotiations did not seem so far to have had a significant effect on the enjoyment of human rights by the people of the occupied territories. The Special Committee had therefore reiterated the need for a comprehensive, just and lasting settlement of the Arab-Israeli conflict through negotiations, taking into account the rights of all peoples in the area. It hoped that the peace negotiations under way would bring about a climate of confidence and mutual trust conducive to respect for human rights and fundamental freedoms.

12. The interests of all concerned would have been better served had Israel cooperated with the Special Committee, which could then have contributed to the dialogue currently under way. The Special Committee had again recommended urgent measures to safeguard the basic human rights of the Palestinian people and other Arabs in the occupied territories: application by Israel of the relevant provisions of the fourth Geneva Convention; full compliance with all resolutions of the Security Council, the General Assembly and other United Nations bodies; cooperation with and support for the activities of the International Committee of the Red Cross; support for UNRWA activities; and the creation of conditions of confidence and security conducive to promoting respect for human rights.

13. Mr. MANSOUR (Observer for Palestine) said that the Committee's reports gave a clear picture of the reality of the situation in occupied Palestinian territory and revealed the scope of the brutality and repression practised by Israel, the occupying Power. The Committee had concluded that the policy of Israel continued to be one of de facto annexation, in violation of its obligations as a State Party to the fourth Geneva Convention.

14. Since the start of the intifadah, Israeli policy had taken a qualitative shift and had manifested itself in a constant escalation of repression. Orders for measures of collective punishment, such as curfews or home demolition, and for deportations, continued to be issued frequently. In the first three months of the current Israeli Government, 29 Palestinians had been killed by Israeli forces and at least 12 by Israeli undercover units (as compared to 28 in all of 1991); in Gaza, 363 Palestinians had been injured; about 4,000 dunums of land had been seized; 2,000 trees had been uprooted or destroyed; 64 homes had been either destroyed or sealed; round-the-clock curfews had been imposed on tens of thousands of Palestinians; construction of more than 20,000 housing units had been completed or approved in occupied territory; some schools had been closed indefinitely; and 12,500 Palestinian prisoners held in Israeli prisons had staged a hunger strike, during which one prisoner had died. Obviously, the level and intensity of human rights abuses had not decreased under the leadership of Prime Minister Rabin.

15. The savage policies and practices of Israel had not succeeded in containing or ending the intifadah, now entering its sixth year, which would continue until the occupation was ended and freedom and independence had been achieved for the Palestinian people. The siege of entire areas for days and

(Mr. Mansour, Observer, Palestine)

weeks, involving hundreds of thousands of people, was a crime against the Palestinian people; it was the duty and obligation of the international community not to allow such crimes to continue but to help Palestinians put an immediate end to the occupation.

16. Expropriation of Palestinian land, the construction of new illegal settlements and the enlargement of old ones, and settler terrorism against the Palestinian people threatened to sabotage the current peace process. The international community must uphold its pertinent resolutions and force Israel to stop its illegal settlement activities immediately.

17. The international community had always stressed the applicability of the fourth Geneva Convention to Palestinian territory occupied by Israel since 1967. Israel, however, while it had taken the legalistic position of rejecting de jure applicability of the Convention because it did not consider itself an occupying Power, had claimed to be in de facto accordance with the Convention. Such a travesty could no longer be responded to with another demand for compliance. Palestine reaffirmed its position concerning the need to provide international protection for its people in occupied Palestinian territory, including Jerusalem, through proper United Nations mechanisms, and reiterated its support for the Secretary-General's idea, incorporated in Security Council resolution 681 (1990), of further developing the idea of "convening a meeting of the high contracting parties to the fourth Geneva Convention ... to discuss possible measures that might be taken by them under the Convention". That Security Council mandate to the Secretary-General gave him significant and appropriate practical involvement in the occupied Palestinian territory. United Nations involvement, including full participation in the multilateral negotiations, was compatible with its historic role in the question of Palestine.

18. Mr. BATAINEH (Jordan) said that the relations between an occupying authority and an occupied people were by nature tense, for occupation itself was unnatural, and the conflict between the goals of the occupier and the vital interests of the occupied people must inevitably lead to more and more violent practices and violations of human rights. Thus, due to the long, unresolved suffering of the Palestinian people, the Palestinian question had become an outstanding case in modern history, while elsewhere the world was witnessing the end of polarization and the resolution of conflicts, based on democracy and respect for human rights, in peace, freedom and independence.

19. The record of relations between the Israeli occupying authorities and the Palestinian people was grievous, and the situation in the occupied territories remained critical and continued to deteriorate. As shown by the various reports of the Special Committee, daily events and practices in the occupied territories were hardly in keeping with the spirit of the current peace talks or the will of the international community to achieve a just peace.

(Mr. Bataineh, Jordan)

20. The situation of hundreds of thousands of Palestinians desiring to cross from Jordan to the West Bank but kept waiting at the frontier by Israel for lengthy periods remained distressing. The occupying authorities continued their abusive measures against civilians, including collective punishment, administrative detention, restriction of freedom of movement, the closing of areas, the destruction and sealing of houses and the uprooting of trees, in addition to the arrest, imprisonment and killing of Palestinian men and women. Israel had continued to support special "undercover" units of its army, which had resulted in a wave of arrests.

21. Israeli settlement policy, which had thus far involved the expropriation of 60 per cent of the land of the Palestinians, most of it agricultural, and the founding of approximately 200 Jewish settlements, had resulted in a new situation that imposed the hegemony of an armed alien national minority on the Arab population.

22. The Government of Jordan saw nothing in Israel's recently announced "confidence-building" measures that was in keeping with the spirit of the peace process: its "freeze on settlements" did not apply to the building of 11,000 housing units; the announced release of prisoners involved only a few hundred Palestinians who had already completed two thirds of their sentence terms, while tens of thousands remained in prisons or detainment camps; and a "lighter military presence" did not mean Israeli withdrawal or the cessation of its flagrant violations of human rights, the Charter of the United Nations and the fourth Geneva Convention. Accordingly, there was still an urgent need for a genuine, radical change in Israel's policies in the area of the basic rights and freedoms of the Palestinians living under occupation.

23. It was incumbent on the international community, which had established that the fourth Geneva Convention applied to the Palestinian territories occupied in 1967 and had repeatedly called on Israel to show compliance, to proceed without delay to assume responsibility for protecting the Palestinian people and guaranteeing Israeli respect for the human and legal rights of the Palestinians living under its occupation. Rapid steps for the implementation of the Convention in the occupied territories would serve as an indicator of Israel's real desire to build confidence and would have a favourable impact on the current peace negotiations. If Israel truly wanted peace and harmony with the countries of the region, it must take steps to improve the human rights situation in the occupied territories and, following the fundamental shift in international politics, turn from confrontation to cooperation in international affairs.

24. Mr. CLIFF (United Kingdom), speaking on behalf of the European Community and its member States, noted with satisfaction that for the first time the discussion of the item under consideration was taking place in parallel with detailed bilateral negotiations aimed at bringing about a comprehensive peace settlement in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973). The European Community and its Member States reiterated their full support for the peace process.

(Mr. Cliff, United Kingdom)

25. While the recent positive steps taken by the Israeli Government were welcome, practical measures taken towards abandoning illegal practices had been very limited and the daily lives of the Palestinians remained a matter of great concern. The Israeli authorities were still in breach of a number of their obligations under international law.

26. The European Community and its member States had always held that the fourth Geneva Convention applied to all the territories occupied by Israel since 1967, including East Jerusalem, and urged the Government of Israel to accept its de jure applicability to the occupied territories and abide by its provisions. They called on Israel to halt all settlement activity in the occupied territories, which was illegal and an obstacle to peace, and affirmed that access to Jerusalem, the holy city of three religions, must be safeguarded for all in any future agreement on that city.

27. While some recent steps taken by the Israeli Government were commendable, more was required, especially in respect of the conditions in which Palestinian prisoners were held and interrogated, the sealing off of the occupied territories, curfews, restrictions on the movement of Palestinians and interference with relief efforts to the Palestinian people. It was of vital importance, in the context of the peace process, that the Palestinian negotiating team from the occupied territories should be free to travel to and from the talks.

28. The European Community and its member States were disturbed by the recent upsurge in violence in the Lebanon/Israeli border area, especially the attacks directed against the United Nations Interim Force in Lebanon in defiance of its international status, and urged all Israeli forces to halt attacks in Southern Lebanon.

29. In view of the unique chance offered by the current peace process, they urged all the parties concerned to make the difficult decisions required for a definitive solution to the dispute.

The meeting rose at 11.55 a.m.